

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	)	
On Its Own Motion	)	
	)	
Proceeding to monitor the ongoing	)	Docket No. 03-0056
development of the marketplace for	)	
Commonwealth Edison Customers	)	

To: Mr. Harry Stoller  
Director Energy Division  
Illinois Commerce Commission

**COMMENTS OF  
COMMONWEALTH EDISON COMPANY**

Pursuant to the Illinois Commerce Commission's ("Commission") order of January 23, 2003, initiating this proceeding ("Order"), Commonwealth Edison Company ("ComEd") submits these comments on the market monitoring reporting requirements proposed by Staff and included in the Order.

This proceeding is an outgrowth of the Commission's decision to allow ComEd's petition for a declaration, that bundled service provided to its largest customers under Rate 6L is competitive, take effect by operation of law.<sup>1</sup> This proceeding is to deal with monitoring "the ongoing marketplace for customers 3MW and greater."<sup>2</sup>

Staff has submitted a report to the Commission recommending that specific monthly data be reported by ComEd and Retail Electric Suppliers ("RESs").<sup>3</sup> The Report recommends that the monthly historic information covering January through December

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<sup>1</sup> See the Commission's interim order of November 14, 2002, in ICC Docket No. 02-0479 ("Interim Order").

<sup>2</sup> Interim Order at 80.

2002 be filed by February 28. It also recommends that updated reports be filed quarterly by the last business day of the month following the end of each calendar quarter through at least December 2006.

#### I. Report Due Dates

With respect to the due dates of future quarterly reports, ComEd respectfully requests that the Commission allow 15 additional days to compile and format the data – until the 15<sup>th</sup> of the second month following the close of the quarter – i.e., until May 15, August 15, November 15 and February 15 for data for the first, second, third, and fourth quarters, respectively. Bills for the most recent month may not be completed and issued before the middle of the following month. The additional time, until the middle of the next month after that, would give ComEd a reasonable amount of time to do the calculations necessary to extract and format the specific information the Commission is looking for and to make sure that that information is accurate and complete. Moreover, a total of approximately 45 days is consistent with the current requirement for ComEd to report quarterly market data to the Staff – i.e., by 45 days after the close of the quarter.

Barring any unforeseen difficulties in initially compiling the data in the format required, ComEd will submit the data for calendar year 2002 by February 28, as directed in the Order.

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<sup>3</sup> Energy Division Staff Report to Address the Commissioners' Interim Order in Docket 02-0479, dated January 10, 2003 ("Report").

## II. Specific Report Data

Staff has recommended that ComEd report the following information with respect to 3MW and larger customers:

- 1.) The number of customers on RES supply, on Power Purchase Option ("PPO") service, on Hourly Energy Pricing service, on Interim Supply Service and on bundled service.
- 2.) The number of current delivery service customers that have elected the "irrevocable return" option and the number of current delivery service customers that have elected the "revocable return" option described in ComEd's 6L rate sheets.
- 3.) The number of customers that have returned via the "revocable return" option and the number of customers that have returned via the "irrevocable return" provisions described in ComEd's Rate 6L Rate sheets.
- 4.) The number of customers that have exercised their revocable option to remain on Delivery Service Tariff ("DST") services.
- 5.) The number of customers currently ineligible to return to 6L service.
- 6.) The total kWh delivered and the total DST charges, Competitive Transition Charges and—where applicable—charges for electric power and energy (by charge components—demand charges, customer charges, etc.) collected from delivery service customers.
- 7.) The kWh delivered and the bundled service charges (by charge component—customer charges, energy charges, demand charges, etc.) collected from Rate 6L bundled service customers.

In addition, Staff recommends that RESs report the following information:

- 8.) The number of customers on direct supply and through PPO assignment.
- 9.) The total kWh delivered and the total charges for electric power and energy collected from delivery service customers through direct supply and through PPO assignment.

ComEd agrees that this information, together with data already being submitted to the Commission by ComEd pursuant to other reporting requirements, will provide sufficient information for the Commission to gauge any changes in the health of the electricity marketplace for large customers with demands of at least 3MW. Furthermore, ComEd notes that the workshop to be convened on March 7, 2003, will provide parties an

additional opportunity to further flesh out matters that are relevant to the monitoring process established by the Order.

### III. Duration

ComEd believes that the reporting requirements imposed by this docket – both on ComEd and on RESs – should end no later than the end of the mandatory transition period. At that time, significant changes will have occurred. There will no longer be a freeze on bundled rates and transition charges will no longer apply. The Commission itself has noted that these changes could have a significant affect on the Illinois marketplace.<sup>4</sup> It is extremely likely that there will no longer be a need for these reports at that time. Therefore, ComEd recommends that the Commission include in its April 2003 order in this docket a termination date for the reporting requirements. ComEd believes that the fourth quarter of 2006 should be the final quarter for which ComEd and RESs should be required to submit reports.

As for this docket itself, once the reporting requirements have been established through the comments and workshop processes, ComEd recommends that the Commission close the instant proceeding. The reports and monitoring could then continue without the constraints imposed upon Commissioners by the ex parte rules and by other restrictions applicable to docketed proceedings. These restrictions would hamper the efforts of Commissioners to informally delve into matters that may fall outside the scope of Staff's reports and personally oversee market development. And, if the data so justified, any party could request that the Commission open a specific

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<sup>4</sup> See the Commission's report of January 2003 under section 16-120 of the Public Utilities Act – Assessment of Competition in the Illinois Electric Industry: Findings and Recommendations – at iv.

investigation of the market at that time – or, of course, the Commission could do so on its own motion.

#### IV. Conclusion

In light of the foregoing, the Commission should approve the data reporting requirements recommended by Staff in its Report, provide at least 45-days after the close of every calendar quarter for ComEd and RESs to provide the required data, sunset those reporting requirements as of the end of the last quarter of 2006, and close the instant proceeding in its April 2003 order in this case establishing the reporting requirements.

Respectfully submitted,  
COMMONWEALTH EDISON COMPANY

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